

Disposition of the Independent Review Panel

Complainant: Lana Floyd

Aggrieved Party: Jamal Floyd

Date: February 6, 2004

IRP Case: A2003.049

MDPD Case: A2003-0094



The Independent Review Panel (IRP) met on January 29, 2004 for the purpose of publicly reviewing the complaint made by Lana Floyd, on behalf of her son, Jamal Floyd, against the Miami-Dade Police Department (MDPD) and the department's response to that complaint. The following represents the findings of the Panel:

A. Allegations

- 1) Officer Suneeta Ramkhalawan followed her son, Jamal Floyd, throughout his neighborhood (21785 SW 111 Avenue) and stopped him based solely on his race.
- 2) The traffic citation he received for inoperative brake lights was issued to falsely document pretext for an improper stop, since the vehicle's brake lights were operating properly.

B. Findings of the Independent Review Panel

- 1) Regarding the allegations:

- a. The Panel found the allegation that Officer Suneeta Ramkhalawan followed Jamal Floyd throughout his neighborhood and stopped him based solely on his race to be Not Sustained. It is the word of Jamal Floyd against that of Officer Ramkhalawan.
- b. The Panel found the allegation that the traffic citation for inoperative brake lights was issued to justify the improper stop, since the vehicle's brake lights were operating properly, to be Not Sustained, due to conflicting testimony. It is unclear whether the brakes lights were operable. Mr. J. Floyd and Mr. R. Floyd said the brake lights were working; Officer Ramkhalawan said that they were not working; and Officer Ruben Moya could not remember.

- 2) Other Findings:

While faulty brake lights may seem like a minor detail – faulty lights was the basis used by Officer Ramkhalawan to initiate the stop, and operable lights was the basis used by the Floyds to support their allegation that Jamal Floyd was stopped based solely on his race. The Panel found evidence that the brake lights may or may not have been working. However, due to lack of testimony from independent witnesses, the allegation could not be substantiated as alleged by the complainant or corroborated as indicated by the involved officer. It is widely perceived by persons such as the complainant that officers often use alleged mechanical defects to stop a vehicle.

The Panel concluded the complaint on January 29, 2004.

Independent Review Panel

Staff Recommendation to the Panel

January 29, 2004

IRP Complaint No.: A2003.049

MDPD Case No.: PC2003-0094

Complainant: Lana Floyd

Aggrieved Party: Jamal Floyd

Accused Party: Miami-Dade Police Department (MDPD), Officer Suneeta Ramkhalawan

Date Complaint Received: February 18, 2003

Materials Reviewed: Grievance Report Form, Correspondence, Staff Notes, and Departmental Response.

Complaint: Lana Floyd contacted the Independent Review Panel (IRP) and alleged that on Sunday, February 16, 2003:

- 1) Officer Suneeta Ramkhalawan followed her son, Jamal Floyd, throughout his neighborhood (21785 SW 111 Avenue) and stopped him based solely on his race.
- 2) The traffic citation he received for inoperative brake lights was issued to falsely document pretext for an improper stop, since the vehicle's brake lights were operating properly.

According to Jamal Floyd, he asked Officer Ruben Moya (who also arrived on the scene - SW 211 St. & 107 Ave.) why was he stopped, and Officer Moya replied that the truck was reported stolen from Leisure City. Mr. Floyd provided the officer with the vehicle insurance and registration, and told him that the truck (a '98 GMC Jimmy) belonged to his father, Richard Floyd. The officer informed Mr. Floyd that he needed to call someone to pick up the truck. Mr. Floyd used his cell phone to call his father and Officer Moya asked to talk to him. At the conclusion of their conversation, Officer Moya explained to Jamal Floyd that he had four bench warrants on his license and was going to have to take him to jail. The officer asked him to get out of the truck. While his two female friends remained in the truck; Mr. Floyd exited, and was handcuffed and placed in Officer Ramkhalawan's patrol car.

Mr. Floyd stated that Officer Ramkhalawan was in the car writing a report, and when he asked her why was he pulled over, she replied that he had a "busted tail light." As he was telling her that his tail lights were, in fact, working, Richard Floyd arrived on the scene. Richard Floyd asked the same question and was given the same response. He entered the truck and was instructed by Officer Moya to press on the brakes, which he did. Both officers were in a position to see that both brake lights were, in fact, working properly. Jamal Floyd said that the female officer commented to him, "Well you know these new cars have bad electrical system." Richard Floyd left the scene. Jamal two friends remained in the truck the entire time.

Departmental Response – MDPD Investigative Report – PC2003-0094:

Allegation #1 - Not Sustained

“Officer Suneeta Ramkhalawan lawfully stopped [Jamal Floyd] for a traffic violation, no brake lights. Officer Ramkhalawan stated that she stopped Mr. Floyd for a violation of Florida Statutes and that she did not stop him based on his race. Mr. Floyd refused to cooperate in this investigation and offered no proof to the contrary.”

Allegation #2 - Not Sustained

“Officer Ramkhalawan was in full compliance of Standard Operating Procedures, as outlined in Chapter 28 TRAFFIC ENFORCEMENT. Officer Ramkhalawan had probable cause to stop the vehicle for faulty equipment. Mr. Floyd refused to cooperate in this investigation and offered no proof to the contrary.”

According to Internal Affairs’ (IA) summary of the statements:

Officer Suneeta Ramkhalawan stated that she “inspected the brake lights in the presence of Mr. R. Floyd and stated that they were inoperable. Mr. Floyd left the scene with his vehicle...”

Officer Ruben Moya stated, “Upon Mr. R. Floyd’s arrival, Officer Ramkhalawan advised him that Mr. J. Floyd was stopped because of faulty brake lights. ...Officer Moya stated that the brake lights were tested in the presence of Mr. Floyd, and Officer Moya did not specifically remember if the lights were operating.”

Jamal Floyd stated that his father arrived on the scene and tested the lights in the presence of Officers Ramkhalawan and Moya. The tail lights were operating at the time they were tested, and Officer Ramkhalawan commented, “Well you know these cars have bad electrical systems.” Mr. R. Floyd then left the scene.

Richard Floyd stated that after he arrived on the scene, he spoke with Officer Moya and his son. Then, “Officer Moya instructed R. Floyd to enter his vehicle and press the brake pedals. The brake lights were operating and Mr. R. Floyd heard Officer Moya laugh and state, ‘The lights are working fine.’ Mr. R. Floyd then left the scene in his vehicle.”

Lana Floyd stated that at approximately 3:30 p.m., she responded to the Cutler Ridge Station with “one of the unidentified females ...Portia (unknown last name or address),” and tested the lights in the presence of Officer Ramkhalawan’s supervisor, Sgt. Mirtha Ramos. The lights were said to be working.

Sergeant Mirtha Ramos stated that she “responded with Mr. & Mrs. Floyd to the parking lot of the Cutler Ridge Station, and determined that the brake lights ...were working at the time she inspected it. The inspection of ...[the vehicle] was completed approximately 30-45 minutes after the initial traffic stop. Sergeant Ramos signed the back of the citation indicating the brake lights were in operating condition at the time of her inspection.”

The IA investigative report referenced the statement Jamal Floyd provided to IRP staff, because investigators were unsuccessful in their attempts to obtain an official statement. However, when asked for the names of the two unidentified females who occupied the vehicle; Mr. Floyd stated “he only had one of the names of the two unidentified females that were in his vehicle at the time of the traffic stop. Mr. J. Floyd stated that he did not know where the other female lived and he could not get the information.” Additionally, on 5/5/03, IA conducted an area canvass, since it was said that the females resided in the neighborhood. Six residences were listed in the report with no positive results. On 5/7/03, Mrs. Floyd verified the name, “Portia.” However, the IA report also indicated that “Mrs. Floyd did not have any further information on Portia.”

According to the IA investigative report, on 5/30/03, Jamal Floyd pled Nolo Contendere to driving an unsafe vehicle and failing to possess a valid driver license. Mr. Floyd’s case was closed and adjudication withheld.

IRP Staff Remarks: A copy of the IA investigative report was sent to the Floyds’ residence, with the request that they advise Panel staff whether or not it satisfied their complaint. In a conference call with Mr. & Mrs. Richard Floyd on January 13, 2004, they stated that they were not satisfied with the investigation or the disposition rendered by Officer Ramkhalawan’s chain-of-command. They addressed the following discrepancies in the report:

- The brake lights: Richard Floyd stated that he tested the brake lights in the officers’ presence and the lights were working. Jamal said the same. Although Officer Ramkhalawan said the lights were not working, Officer Moya “conveniently” could not recall whether or not the brake lights were working.
- The two female witnesses: Mrs. Floyd stated that IA’s summary only identified one female, even though her statement indicated that “she responded with the two young women (one named Portia) in the truck to the Cutler Ridge Station.” Mrs. Floyd commented that she advised the IA investigator that she knew where Portia lived, even though IA’s summary indicated that she “did not have any further information on Portia.” She admits that she did not volunteer to take the investigator to Portia’s residence, and the investigator did not pursue the lead.

Mrs. Floyd commented that she believes that the case was not pursued by MDPD with due diligence because of the nature of the allegations.

Findings of Fact:

1. On 2/16/03:
 - At 3:04 p.m., at SW 211 Street and 107 Avenue, Jamal Floyd was issued two traffic citations for “No Brake Lights” and “Driver License Suspended 4 times on 4/1/02 for FTP.”
 - At 3:30 p.m., J. Floyd was arrested and charged with “Driving While License Suspended.”
 - Between 3:30-4:00 p.m., Mr. Richard Floyd’s truck was driven to the Cutler Ridge Station, where the brake lights were tested in the presence of Officer Ramkhalawan’s supervisor, Sgt. Mirtha Ramos. The lights were working at the time.
2. There are discrepancies in the reason for the stop. Mr. J. Floyd stated that initially Officer Moya told him he was stopped because the truck was reported stolen. When he asked Officer Ramkhalawan, she gave the reason as inoperative brake lights. Officer Ramkhalawan said she stopped Mr. J. Floyd for

inoperable brake lights. Officer Moya's statement does not indicate that he was asked about the explanation he gave Mr. J. Floyd.

3. The brake lights were tested on the scene after the initial stop. There are discrepancies in the statements regarding whether or not the brake lights were working.
4. Statements were not taken from the two female witnesses who were in the truck.

Staff Findings:

1) Regarding the allegations:

- a) Panel staff found the allegation that Officer Suneeta Ramkhalawan followed Jamal Floyd throughout his neighborhood and stopped him based solely on his race to be Not Sustained. It is the word of Jamal Floyd against that of Officer Ramkhalawan.
- b) Panel staff found the allegation that the traffic citation for inoperative brake lights was issued to justify the improper stop, since the vehicle's brake lights were operating properly, to be Not Sustained, due to conflicting testimony. It is unclear whether the brake lights were operable. Mr. J. Floyd and Mr. R. Floyd said the brake lights were working; Officer Ramkhalawan said that they were not working; and Officer Moya could not remember.

2) Other Findings:

While faulty brake lights may seem like a minor detail – faulty lights was the basis used by Officer Ramkhalawan to initiate the stop, and operable lights was the basis used by the Floyds to support their allegation that Jamal Floyd was stopped based solely on his race. Panel staff found evidence that the brake lights may or may not have been working. However, due to lack of testimony from independent witnesses, the allegation could not be substantiated as alleged by the complainant or corroborated as indicated by the involved officer. It is widely perceived by persons such as the complainant that officers often use alleged mechanical defects to stop a vehicle.

Staff Recommendations: Staff recommends that the Panel accept the staff findings and conclude the complaint.